

NINETY-EIGHTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 208CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Schimek, 27; Brown, 6; Burling, 33; Combs, 32;  
Mines, 18

Read first time January 9, 2004

Committee: Government, Military and Veterans Affairs

1 THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA,  
2 SECOND SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2004 the  
4 following proposed amendment to the Constitution of Nebraska shall  
5 be submitted to the electors of the State of Nebraska for approval  
6 or rejection:

7 To amend Article III, section 18, Article VIII, sections  
8 4 and 6, Article IX, section 4, Article XI, section 1, and Article  
9 XVII, section 4, and repeal Article IX, section 5:

10 III-18 "The Legislature shall not pass local or special  
11 laws in any of the following cases, that is to say:

12 For granting divorces.

13 Changing the names of persons or places.

14 Laying out, opening altering and working roads or  
15 highways.

16 Vacating roads, ~~Town~~ plats, streets, alleys, and public  
17 grounds.

- 1 Locating or changing County seats.
- 2 Regulating County ~~and Township~~ offices.
- 3 Regulating the practice of Courts of Justice.
- 4 Regulating the jurisdiction and duties of Justices of the
- 5 Peace, Police Magistrates and Constables.
- 6 Providing for changes of venue in civil and criminal
- 7 cases.
- 8 Incorporating Cities~~, Towns~~ and Villages~~, or changing or~~
- 9 amending the charter of any ~~Town~~, City~~, or Village.~~
- 10 Providing for the election of Officers in ~~Townships~~,
- 11 incorporated ~~Towns~~ Villages or Cities.
- 12 Summoning or empaneling Grand or Petit Juries.
- 13 Providing for the bonding of cities, ~~towns~~ villages,
- 14 precincts, school districts, or other municipalities.
- 15 Providing for the management of Public Schools.
- 16 The opening and conducting of any election~~, or~~
- 17 designating the place of voting.
- 18 The sale or mortgage of real estate belonging to minors~~, or~~
- 19 or others under disability.
- 20 The protection of game or fish.
- 21 Chartering or licensing ferries~~, or toll bridges,~~
- 22 remitting fines, penalties, or forfeitures, creating, increasing,
- 23 and decreasing fees, percentage, or allowances of public officers,
- 24 during the term for which ~~said~~ the officers are elected or
- 25 appointed.
- 26 Changing the law of descent.
- 27 Granting to any corporation, association, or individual~~, or~~
- 28 the right to lay down railroad tracks~~, or amending existing~~

1 charters for such purpose.

2           Granting to any corporation, association, or individual  
3 any special or exclusive privileges, immunity, or franchise  
4 whatever; ~~PROVIDED,~~ except that notwithstanding any other  
5 provisions of this Constitution, the Legislature shall have  
6 authority to separately define and classify loans and installment  
7 sales, to establish maximum rates within classifications of loans  
8 or installment sales which it establishes, and to regulate with  
9 respect thereto. In all other cases where a general law can be  
10 made applicable, no special law shall be enacted."

11           VIII-4 "Except as to tax and assessment charges against  
12 real property remaining delinquent and unpaid for a period of  
13 fifteen years or longer, the Legislature shall have no power to  
14 release or discharge any county, city, ~~township, town~~ village, or  
15 district whatever, or the inhabitants thereof, or any corporation,  
16 or the property therein, from their or its proportionate share of  
17 taxes to be levied for state purposes, or due any municipal  
18 corporation, nor shall commutation for such taxes be authorized in  
19 any form whatever; ~~PROVIDED,~~ except that the Legislature may  
20 provide by law for the payment or cancellation of taxes or  
21 assessments against real estate remaining unpaid against real  
22 estate owned or acquired by the state or its governmental  
23 subdivisions."

24           VIII-6 "The Legislature may vest the corporate  
25 authorities of cities, ~~towns~~ and villages, with power to make local  
26 improvements, including facilities for providing off-street parking  
27 for vehicles, by special assessments or by special taxation of  
28 property benefited, and to redetermine and reallocate from time to

1 time the benefits arising from the acquisition of such off-street  
2 parking facilities, and the Legislature may vest the corporate  
3 authorities of cities and villages with power to levy special  
4 assessments for the maintenance, repair, and reconstruction of such  
5 off-street parking facilities. For all other corporate purposes,  
6 all municipal corporations may be vested with authority to assess  
7 and collect taxes, but such taxes shall be uniform in respect to  
8 persons and property within the jurisdiction of the body imposing  
9 the same, except that cities and villages may be empowered by the  
10 Legislature to assess and collect separate and additional taxes  
11 within off-street parking districts created by and within any city  
12 or village on such terms as the Legislature may prescribe."

13 IX-4 "The Legislature shall provide by law for the  
14 election of such county ~~and township~~ officers as may be necessary  
15 and for the consolidation of county offices for two or more  
16 counties; ~~PROVIDED,~~ except that each of the counties affected may  
17 disapprove such consolidation by a majority vote in each of such  
18 counties."

19 XI-1 "No village, city, county, ~~town~~, precinct,  
20 municipality, or other ~~sub-division~~ subdivision of the state, shall  
21 ever become a subscriber to the capital stock, or owner of such  
22 stock, or any portion or interest therein of any railroad, ~~or~~  
23 private corporation, or association."

24 XVII-4 "The general election of this state shall be held  
25 on the Tuesday succeeding the first Monday of November in the year  
26 1914 and every two years thereafter. All state, district, county,  
27 precinct, ~~township~~ and other officers, by the constitution or laws  
28 made elective by the people, except school district officers, and

1 municipal officers in cities, and villages, ~~and towns~~, shall be  
2 elected at a general election to be held as ~~aforesaid~~ provided in  
3 this section. An incumbent of any office shall hold over until ~~his~~  
4 a successor is duly elected and qualified."

5 "Article IX, section 5, of the Constitution of Nebraska  
6 is repealed."

7 Sec. 2. The proposed amendment shall be submitted to the  
8 electors in the manner prescribed by the Constitution of Nebraska,  
9 Article XVI, section 1, with the following ballot language:

10 "A constitutional amendment to eliminate references to  
11 towns and townships and repeal provisions authorizing  
12 township organization.

13 For

14 Against".